

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Wisconsin Department of Transportation for the Relocation of Four Public Crossings and the Closure of Two Public Crossings of the Wisconsin Central Ltd. Tracks in the City of Marshfield, Town of Spencer, and Village of Spencer, Marathon County

9164-RX-499

FINAL DECISION - 26TH ROAD

By letter dated December 13, 2002, the Wisconsin Department of Transportation (DOT) filed a petition with the Office of the Commissioner of Railroads (OCR) under §§84.05, 195.28, 198.285, and 195.29, Stats., for the relocation of four public crossings and the closure of two public crossings of the Wisconsin Central Ltd. (WCL) tracks in the City of Marshfield, Town of Spencer, and Village of Spencer, Marathon County.

Pursuant to due notice, public hearing was held in this matter on January 28, 2003 in Marshfield, Wisconsin with hearing examiner Douglas S. Wood presiding.

On May 16, 2003, the hearing examiner issued a proposed decision. In its comments on the proposed decision, the DOT recommended that the OCR consider the closure of the 26th Road crossing based on the DOT's willingness to improve Bee Bee Road between 26th Road and Mann Road and the fatal accident at the crossing in 2003. The Commissioner concurred and the OCR conducted a hearing on the potential closure of the 26th Road crossing. Consequently, the final decision in this docket did not address the 26th Road crossing. After due consideration, the docket for the consideration of closing the 26th Road crossing was dismissed (9164-RX-531) on August 16, 2004. This final decision addresses the relocation of the 26th Road crossing.

Appearances:

Parties

Wisconsin Department of Transportation, Petitioner
by
Mark Morrison, PE, Grade Crossing Safety Engineer
PO Box 7914
Madison, Wisconsin 53707-7914

In Support:

Wisconsin Central Ltd.
by
Michael Barron, Attorney
Canadian National
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317

City of Marshfield (Mann Road only)
by
Dan Knoeck, Director of Public Works
630 S. Central Avenue
Marshfield, WI 54449

Village of Spencer
by
Bettye J. Nall, Village President
610 N. LaSalle Street
Spencer, WI 54479

Town of Spencer (except opposes closure of Hoff Road)
by
Bill Kautza, Town Chairman
5273 CTH 'C'
Spencer, WI 54479

Findings of Fact

THE COMMISSIONER FINDS:

The Wisconsin Department of Transportation proposes to relocate four public crossings and close two public crossings of the Wisconsin Central Ltd. tracks in the City of Marshfield, Town of Spencer, and Village of Spencer. DOT proposes to upgrade STH 13 from just north of McMillan Street in Marshfield to Clark Street in Spencer. The existing 4-lane divided highway in Marshfield will be extended west through the Mann Road intersection and a similar 4-lane divided highway will be constructed in Spencer through the intersection of Willow Drive. Improvements, such as medians at intersections and passing lanes will be added to the remaining 2-lane section. The section of the project from west of McMillan Street to about 1000' from 26th Road will be constructed in 2005. The remaining portion is planned for 2010, but may be constructed earlier depending on the condition of the existing pavement. The Commissioner previously ruled on all matters in the petition except for the relocation of the 26th Road crossing.

The railroad currently operates 24 to 27 through train movements per day over the proposed crossing location at a speed of 60 mph. Train traffic dramatically increased on this line in 1997-1998. According to Federal Railroad Administration (FRA) records, the number of through trains increased from 12 per day to 25 per day.

Accidents that occur at any of these crossings will likely be quite serious if a through train is involved due to their 60 mph speed. Train speed is strongly correlated with fatalities in train/vehicle accidents. More specifically, crossings with train speeds of 40 mph and over have a disproportionate number of fatalities. According to Federal Railroad Administration (FRA) statistics, nationally, in 1994 71% of fatalities occurred at crossings with train speeds of 40 mph+, even though only 26% of all crossings had train speeds of 40 mph+.

26th Road

689 925S

26th Road is a two-lane collector with an approximate 28'-wide crushed granite roadway. 26th Road intersects the tracks at an angle of 87° and intersects with STH 13 at approximately 90 degrees. There is currently 82 feet of storage distance between the track and STH 13. The crossing consists of one mainline track.

26th Road carries 362 ADT. The DOT projects 26th Road will carry 540 ADT in the design year of 2020. The speed limit is 35 mph.

DOT proposes to reconstruct the West 26th Road crossing approximately 110 feet southeast of its current location, which will align West 26th Road with East 26th Road making this intersection a typical 4-legged intersection with left and right turn lanes. The intersection will include separate left-turn lanes from STH 13 on to 26th Road and acceleration and deceleration lanes.

The project would correct deficiencies of the current roadway and improve the intersection to new construction standards. Moving the crossing would improve the pavement structure, drainage, and general highway safety. A raised median is proposed for West 26th Road through the crossing to deter motorists from driving around the gates.

The project will also provide 90 feet from the centerline of the railroad tracks to the outside edge of the driving lane on STH 13. It is proposed to widen the pavement to 15 feet from the edge of the driving lane on STH 13 to a distance no less than 100 feet beyond the railroad tracks, which will increase storage capacity.

A driver traveling at 35 mph needs a distance of 270' to stop safely. Assuming a train speed of 60 mph, a driver traveling at 35 mph needs to see a train when it is 570' from the crossing from a point 270' down the highway. The sight distance is inadequate in all quadrants. Sight distance will still be inadequate after the project.

The exposure factor at this crossing is about 9400. The exposure factor at this crossing will exceed 14,000 in the design year assuming 26 train movements per day.

Four train-vehicle accidents have occurred at the 26th Road crossing since 1973. The accidents occurred in 1995, 2000 (2), and 2003.

The 26th Road crossing presently has crossbucks, a stop sign for eastbound traffic and a yield sign for westbound traffic for warning devices. These warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety, 12" LED automatic flashing lights with gates and constant warning time circuitry are needed because of the exposure factor, train speed, number of trains, poor sight distance, and continuing accident history.

The order requires the installation of the crossing signals and gates by December 31, 2006. The crossing will not be relocated until 2010.

Constant warning time circuitry adjusts for train speed and causes the crossing signals to always operate for the same amount of time before the train reaches the crossing, regardless of train speed. A motion detector simply detects the train operation, but does not adjust for train speed so

that the amount of warning time varies based on train speed.

Light emitting diodes (LED) are a relatively new application for crossing signals. The LED lamps replace the incandescent bulbs. LEDs have higher conspicuity, a wider cone of vision, and longer life than incandescent lights. LEDs are especially useful on east-west roadways where the rising and setting sun may make the signals difficult to see.

Source of funding: The cost of the signal materials and installation in 2006 will be paid either from OCR safety funds or DOT's Hazard Elimination funds. The cost to relocate the signals in 2010 and to relocate the crossing shall be paid by the highway project.

Ultimate Conclusions on the Issues

THE COMMISSIONER CONCLUDES:

1. That the relocation of the crossing at-grade of 26th Road with the Wisconsin Central Ltd. tracks in accordance with the design plans of the Wisconsin Department of Transportation in the Town of Spencer, Marathon County will promote public safety and convenience.
2. That in order to adequately protect and promote public safety, it is necessary to install and maintain 12" LED automatic flashing lights with gates and constant warning time circuitry at the crossing of the Wisconsin Central Ltd. tracks with 26th Road in the Town of Spencer, and the Village of Spencer, Marathon County.
3. That it is reasonable that the Wisconsin Central Ltd. bear no part of the cost for the crossing construction.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin Central Ltd.** shall install and maintain a crossing at-grade of **26th Road** with its tracks in accordance with the design plans of the Wisconsin Department of Transportation in the Town of Spencer, Marathon County by **October 1, 2010**. (Crossing No. 689 925S)

2. That the **Wisconsin Central Ltd.** shall install and maintain automatic 12" LED flashing lights signals, gates, and constant warning time circuitry with appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with **26th Road** at-grade in the Town of Spencer, Marathon County by **December 31, 2006** (Crossing No. 689 925S).

3. That the **Wisconsin Central Ltd.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the Wisconsin Department of Transportation.

4. That the signal installation work herein ordered shall not begin until the district office of the Wisconsin Department of Transportation informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

5. That the **Wisconsin Central Ltd.** shall bear no part of the cost of the crossing construction, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

6. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

9164F499 26th Road